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FEDERAL ELECTION COMMISSION
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James D. Santini, Chartered

October 23, 1991

Lawrence M. Noble, Esquire
General Counsel
Federal Elections Commission
Washington, DC 20463

Re: MUR 2314
Jim Santini for Senate and
J. Glen Sanford, as treasurer

Dear Mr. Noble:

In response to your October 9, 1991 letter to J. Glen Sanford, Treasurer, re above-referenced complaint I urge the following disposition.

I do not believe the commission should find any probable cause in the above-referenced complaint. At the very least, given all the facts that follow, it is appropriate that the Commission not take any action on this stagnant proceeding.

The factual information in support of my request for no probable cause includes the following:

- 1) I did not receive any verbal or written notice of the July 28, 1987, Complaint or the January 24, 1989 "reason to believe" conclusion from the FEC until October 17, 1991. Despite repeated 1987-88 committee staff contacts with me in my Alexandria, Virginia, professional office I never received the "cc: James Santini" as stated on your October 9, 1991 cover letter. This information was relayed to me for the first time in an October 17 phone call from G.Sanford and received by mail from him on October 21. This is five years after the alleged violations.
- 2) At the very least there has been some element of deceit at work here. During the 1987-88 commission staff inquiries related to the January 13, 1987, complaint I was contacted by phone on 10 to 15 separate occasions. During the preliminary phone calls I was repeatedly assured by staff that Santini for Senate had been removed as a responding

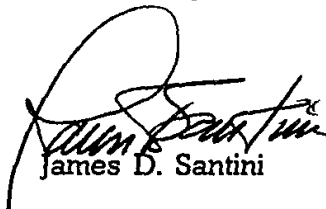
party and FEC was proceeding only against the NRSC and the Nevada Republican Party. The FEC action vs. the Nevada Republican Party was resolved by reconciliation in 1991. The FEC "Direct-to" program in the 1986 and 1988 campaigns remains the major legal question at issue before the Commission and the U.S. Court of Appeals. Now I am confronted with this belated effort to catch up Santini for Senate '86 in the wake of the real legal contest. We are an irrelevant and stale sideshow to the main event.

- 3) The Santini for Senate Committee has been defunct for well over four years (July 1987). In accordance with FEC regulations after holding the Santini for Senate campaign records for the requisite three years they have been destroyed.
- 4) I emphatically believe, as stated to Committee staffers in 1987 and 1988, that all Santini for Senate campaign contributions were copiously reported by both our campaign and the NRSC. Your legal dispute about the method of reporting is with NRSC not with the long-gone Santini for Senate campaign.

In conclusion, I hope this is not some kind of exercise in institutional retribution. In the interests of basic fairness and procedural due process, I earnestly urge adoption of my opening appeal to the Commission. There is no probable cause to pursue this moribund FEC complaint that was not transmitted to me until almost five years after the original filing.

In the alternative certainly no action is the appropriate response to the above-referenced complaint.

Respectfully submitted,



James D. Santini

cc: J. Glen Sanford